**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

DEQUE SYSTEMS INC.

      Plaintiff,

   v.

BROWSERSTACK, INC., and
BROWSERSTACK LIMITED, and
BROWSERSTACK SOFTWARE PVT. LTD.,

      Defendants.

Case No. 1:24-cv-00217-AJT-WEF

DEFENDANT BROWSERSTACK SOFTWARE PVT. LTD.'S NOTICE OF PARTIAL JOINDER IN DEFENDANT BROWSERSTACK, INC.'S MOTION TO DISMISS

Defendant BrowserStack Software Pvt. Ltd. ("BrowserStack Software India") hereby provides notice[1] of its partial joinder to the motion to dismiss (the "Motion") filed on April 8, 2024 by co-defendant BrowserStack, Inc. ("BrowserStack U.S."), and hereby incorporates by reference BrowserStack U.S.'s motion (ECF 19), the accompanying memorandum (ECF 20) ("MTD"), and the reply (ECF 36) ("Reply"), as though fully set forth herein by BrowserStack Software India. In so doing, BrowserStack Software India expressly joins on the following issues and arguments raised by BrowserStack U.S. on the Motion:

- That Plaintiff's breach of contract claim is preempted insofar as it is based on any purported violation of an exclusive right protected by the Copyright Act. *See, e.g.*, MTD at 12-13; Reply at 9-13.

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[1] Defendant BrowserStack Software India also previously informed the Court and Plaintiff's counsel during the May 1, 2024 pre-trial conference that it intended to partially join the pending motion to dismiss.

- That Plaintiff's false advertising claims fail because Plaintiff has not sufficiently pled any actual loss or damages caused by the alleged false advertisement. *See, e.g.*, MTD at 15-16; Reply at 13-14.

Instead of filing a separate motion, BrowserStack Software India joins in the Motion in the interests of judicial economy, efficiency, and expediency. BrowserStack Software India's joinder to the Motion will conserve the resources of the Court and the parties by avoiding the time and expense of duplicative briefing. Moreover, the Motion already has been already fully briefed and has been set for hearing by the Court on May 29, 2024 at 10 a.m. EST, therefore joinder will avoid piecemeal briefing and delay and enable the Court to rule on the arguments raised by the Motion expeditiously and concurrently vis-à-vis each of the three defendants.[2]

WHEREFORE, for the foregoing reasons and those set forth in the Motion, Defendant BrowserStack Software India respectfully requests the Court dismiss Plaintiff's breach of contract and false advertising claims pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Dated: May 15, 2024

Respectfully submitted,

/s/ *Belinda D. Jones*
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[2] Defendant BrowserStack Limited ("BrowserStack Ireland") is concurrently filing herewith its own Notice of Joinder on the Motion.

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